

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMARK E. SUNNERGREN, et al.,
Plaintiffs,

v.

DARIN BRIGHT, et al.,
Defendants.

Case No. 22-cv-00746 BLF (PR)

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE
SECOND AMENDED COMPLAINT**

(Docket No. 27)

Plaintiff, a California inmate, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against medical personnel at Salinas Valley State Prison (“SVSP”), where he is currently housed. On January 3, 2023, the Court dismissed the first amended complaint (“FAC”) with leave to amend. Dkt. No. 26. Plaintiff was directed to file a second amended complaint within twenty-eight days from the date the order was filed. *Id.* at 5.

Plaintiff has filed a request for an extension of forty-five days because he needs time to retrieve his legal files, review them, and prepare the second amended complaint. Dkt. No. 27. Good cause appearing, the request is **GRANTED IN PART**. Plaintiff shall file a second amended complaint using the court’s form complaint to attempt to correct the deficiencies in the amended complaint no later than **March 14, 2023**, which is an

1 extension of 42 days or 6 weeks from the original deadline of January 31, 2023.

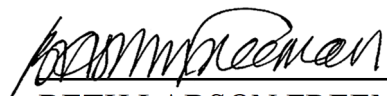
2 The second amended complaint must include the caption and civil case number
3 used in this order, *i.e.*, Case No. C 22-cv-00746 BLF (PR), and the words “SECOND
4 AMENDED COMPLAINT” on the first page. Plaintiff must answer all the questions on
5 the form for the action to proceed. Plaintiff is reminded that the second amended
6 complaint supersedes the original and FAC, these being treated thereafter as non-existent.
7 *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Consequently,
8 claims not included in the second amended complaint are no longer claims and defendants
9 not named therein are no longer defendants. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262
10 (9th Cir.1992).

11 **Failure to respond in accordance with this order by filing a second amended**
12 **complaint in the time provided will result in the dismissal with prejudice of the**
13 **claims against all defendants, except for Defendant Bright, for failure to state a claim**
14 **without further notice Plaintiff. This action will then proceed solely against**
15 **Defendant Bright on the Eighth Amendment and retaliation claims against him.**

16 This order terminates Docket No. 27.

17 **IT IS SO ORDERED.**

18 **Dated: __February 7, 2023__**

19 
20 BETH LABSON FREEMAN
21 United States District Judge
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25 Order Granting EOT to file SAC
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